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Attorneys for Receiver

**ROBB EVANS OF ROBB EVANS & ASSOCIATES
LLC**

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

JEREMY JOHNSON, etc., et al.,

Defendants.

Case No. 2:10-CV-02203-MMD-GWF

**STIPULATION FOR RESOLUTION OF
ORDER TO SHOW CAUSE RE
CONTEMPT AS TO SHANE SCOTT
AND OF RECEIVER'S DEMAND; AND
ORDER THEREON**

Hearing Presently Set for:

Date: April 9, 2015
Time: 10:00 a.m.
Place: 333 Las Vegas Blvd. South
Las Vegas, NV 89101
Ctrm: TBD

1 This Stipulation for Resolution of Order to Show Cause re Contempt as to Shane Scott
2 ("Stipulation") is made by and between Robb Evans of Robb Evans & Associates LLC
3 ("Receiver"), the Receiver appointed pursuant to the Court's Preliminary Injunction Order issued
4 February 10, 2011 ("Preliminary Injunction"), and Shane Scott, by and through their respective
5 counsel, and Michael P. Studebaker ("Studebaker"), in reference to the following:

6 A. Based on a motion by the Receiver (Doc. No. 1459), the Court previously issued
7 an order to show cause as to why Duane Fielding ("Fielding") and Shane Scott ("Scott") should
8 not be held in contempt of Court ("OSC") (Doc. No. 1468) for violation of the Court's
9 Preliminary Injunction Order (Doc. No. 130) and the Clarifying Order (Doc. No. 897/900). The
10 hearing on the OSC was continued from time to time by the Court, and the Receiver and Fielding
11 reached a consensual resolution of the contempt as to Fielding based on a written agreement
12 approved by the Court and an order issued by the Court discharging the contempt as to Fielding
13 only. Doc. Nos. 1529, 1537, 1538, 1555 and 1557. Pursuant to that agreement, Fielding paid a
14 total of \$200,000 to the Receiver.

15 B. The continued hearing on the OSC as to Scott is presently scheduled to be
16 conducted at 10:00 a.m. on April 9, 2015 pursuant to a stipulation by the parties for a continuance
17 of the hearing that was approved by the Court by Order issued December 19, 2014 (Doc. No.
18 1568).

19 C. The Receiver previously issued a demand letter to Studebaker ("Receiver's
20 demand") setting forth why the Receiver contends Studebaker is also liable to the receivership
21 estate for damages resulting from the destruction of the R22 Helicopter and the R44 Helicopter,
22 as defined in the Receiver's motion for issuance of the OSC based on various alleged acts and
23 omissions of Studebaker in connection with his representation of interested parties in this case
24 and facts and circumstances relating to the claims by the Receiver giving rise to the OSC. The
25 Receiver's demand was issued based in part on the Declaration of Duane Fielding given to the
26 Receiver in connection with the resolution of the Court's order to show cause as to why Duane
27 Fielding should not be held in contempt of Court.

28

1 D. Scott is presently a debtor in a joint voluntary Chapter 13 bankruptcy case pending
2 in the United States Bankruptcy Court for the District of Utah, Case No 14-26667 and has filed
3 detailed financial disclosures in connection with that pending bankruptcy case.

4 E. The Receiver has evaluated the effect of the pending bankruptcy proceeding by
5 Scott and Scott's financial condition and circumstances as disclosed by filings in the Scott
6 bankruptcy proceeding which demonstrate that Scott does not have the ability to provide
7 monetary compensation to the Receiver to purge any prospective contempt order. The Receiver
8 has also evaluated the denial of insurance coverage for the Receiver's demand as to Studebaker
9 and his defenses, financial condition and other circumstances. The Receiver has concluded that
10 resolution of the Receiver's OSC as to Scott and the Receiver's demand as to Studebaker under
11 the terms and conditions set forth in this Stipulation is in the best interests of the receivership
12 estate under the circumstances.

13 NOW, THEREFORE, in consideration of the foregoing, and for the reasons set forth
14 herein, the parties to this Stipulation hereby agree as follows:

15 1. The hearing on the OSC as to Scott shall be taken off-calendar, and the OSC shall
16 be discharged as to Scott.

17 2. In final resolution of the Receiver's demand against Studebaker arising out of and
18 pertaining to the R22 Helicopter and the R44 Helicopter as those terms are defined in the
19 Receiver's pleadings filed in connection with the OSC and the Receiver's demand, and without
20 any admission of liability or wrongdoing by Studebaker, Studebaker shall pay the Receiver on
21 behalf of the receivership estate the sum of \$5,000 ("Settlement Sum"). The Settlement Sum
22 shall be payable to the Receiver in installments of \$1,000 each due and payable as follows: (a)
23 \$1,000 on or before May 15, 2015, (b) \$1,000 on or before August 1, 2015, (c) \$1,000 on or
24 before November 1, 2015; (d) \$1,000 on or before February 1, 2016, and (e) \$1,000 on or before
25 May 1, 2016. Time is of the essence with respect to all payments due under the Stipulation.

26 3. In the event the entire Settlement Sum is not paid to the Receiver in a timely
27 fashion, all of the Receiver's rights and claims against Studebaker are preserved, and the Receiver
28

1 may take such actions as he deems appropriate against Studebaker and shall not be limited to a
2 recovery of the unpaid balance of the Settlement Sum.

3
4 Dated: March 19, 2015

RANDOLPH L. HOWARD
KOLESAR & LEATHAM, CHTD.

6 MCKENNA LONG & ALDRIDGE LLP
7 GARY OWEN CARIS
8 LESLEY ANNE HAWES

9 By: /s/ Gary Owen Caris

10 Gary Owen Caris
11 Attorneys for Receiver
12 **ROBB EVANS OF ROBB EVANS &**
13 **ASSOCIATES LLC**

14 Dated: March 19, 2015

STUDEBAKER LAW OFFICE

15 By: /s/ Michael P. Studebaker

16 Michael P. Studebaker
17 Attorneys for Shane Scott, Rotortrends, Inc.,
18 and iPrerogative, LLC

19 Dated: March 19, 2015

20 /s/ Michael P. Studebaker

21 Michael P. Studebaker, Individually

22
23 IT IS SO ORDERED.

24 

26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE